

**PRIVATE DETECTIVE ADVISORY COMMITTEE
MINUTES
MADISON, WISCONSIN
JANUARY 17, 2001**

PRESENT: James Krause, Gary Peterson, John Schatzman, Johnny Cash, and Clifford Johnsen; James Gilboy and David Cihlar (by teleconference)

ABSENT: Steven Watson, Karen Morales, Edward O'Brien, Robert Hoeg, Tim Ritter

STAFF PRESENT: Clete Hansen and Becky Fry; William Black, Legal Counsel, for portions of the meeting

CALL TO ORDER

The meeting was called to order at 9:51 a.m. by Clete Hansen, upon confirmation that the public notice was timely given.

Clete Hansen discussed the importance of attendance at meetings and the challenge of establishing a quorum when notification is not given of absences prior to the meeting.

Mr. Hansen distributed Paul Klumb's January 16, 2001, letter regarding his resignation from the Committee. Noted.

Mr. Hansen welcomed new Committee member Clifford Johnsen and asked him to introduce himself to the Committee.

APPROVAL OF AGENDA

By consensus, the agenda were adopted as published.

MINUTES (9/20/00)

MOTION: John Schatzman moved, seconded by Gary Peterson, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings was not available to address the Committee.

The Committee discussed Secretary Cummings' retirement and the process of appointing a replacement.

Bureau Director's Report

Clete Hansen discussed the impact of the transition to a new Governor and Department Secretary in relation to items that are in either the budget bill or requested as remedial legislation, including separating out the agencies, and creating better headings in s. 440.26, Stats. He indicated that the concealed carry of weapons has not been introduced, although there has been a request for drafting.

- **Roster**

Clete Hansen noted the updated roster and asked the Committee to indicate any additions or corrections.

- **Next Meeting Date**

The Committee reviewed the updated meeting schedule and changed the October 17, 2001 date to October 3, 2001.

- **R & L Web Site**

Clete Hansen advised the Committee of changes to the department's web site. He reviewed the information that is located on the Internet including credential holder query, Regulatory Digests, and Reports of Decisions.

The Committee discussed the extent of the information that is included about credential holders. William Black clarified that any disciplinary action of credential holders other than administrative warnings and some stipulations, including findings of fact, conclusions of law and order are located on the Internet.

- **Summary of Actions Taken by the Committee**

Mr. Hansen stated that he would continue to update this information and include it in each agenda packet.

OLD BUSINESS

Authorization to Carry Concealed Weapons

The Committee noted the email message received from Chief Doug Pettit of Oregon, Wisconsin, legislative liaison for WCPA, stating the Wisconsin Law Enforcement Coalition would oppose any bill that would permit private detectives to carry concealed weapons.

Clete Hansen referred to the conditions for carrying concealed weapons recommended by the Committee and indicated that this proposal was sent to Myra Shelton, Legislative Liaison, requesting the Legislative Reference Bureau to draft a bill.

- **Firearms Curriculum: Wisconsin Department of Justice and National Rifle Association**
- **Firearms Refresher Course**

Mr. Hansen distributed copies of the Wisconsin Department of Justice Law Enforcement Standards Board Training Guide for Law Enforcement Officers to Committee members.

A suggestion was made that the Committee review the training guide for information relating to initial firearms training and a firearms refresher course.

Mr. Hansen reviewed the rule that permits a private detective to carry an in-plain-view firearm when acting in uniform as a private security person. He indicated that the Private Security Advisory Committee has proposed that the Firearms Subcommittee review the required contents of the initial firearms course and include some additional training on defense and arrest tactics (DAAT).

PROPOSED STATUTORY CHANGES

Mr. Hansen referred to his October 30, 2000, memo to William Dusso, General Counsel, relating to the possible inclusion in the remedial legislation, the removal of the words “directly or indirectly” from the exemption from licensing provision in s.440.26 (5)(b), Stats. Mr. Hansen indicated that Secretary Cummings supports this recommendation.

The Committee reviewed the request for legislation pertaining to private detectives carrying concealed weapons and the renumbering of subsections in s. 440.26, Stats. The Committee agreed that the estimate of 300 private detectives that would apply for a concealed weapons permit was high and suggested that possibly 100 or 10% of the licensed private detectives would be a better estimate.

EXAMINATION ISSUES

Nothing to discuss.

EDUCATION REQUIREMENTS

Clete Hansen showed the Committee what a rule could look like for mandating continuing education.

The Committee held discussion on the pros and cons of continuing education and agreed that they are divided on the issue of mandating continuing education.

A suggestion was made for the possibility of a test-out policy on minimum competency requirement. If an individual does not test out, then continuing education must be taken.

It was suggested that because of the amount of diversity in the profession, that there be more education in different areas to provide everyone the training that they desire for the type of work that they are performing.

A concern with mandatory continuing education was the loss of work time for the agency while the employees attend continuing education courses.

The Committee recommended an industry-wide poll through a survey in the Regulatory Digest requesting response in support of or opposition to mandating continuing education; identifying specific topics that should be addressed annually and how much time should be required each year to adequately cover those topics. The survey will also request information regarding how many private detectives would apply for a concealed carry permit.

William Black will check into statutory authority to mandate continuing education.

Discussion was tabled to the next meeting.

IDENTIFICATION CARDS

The Committee reviewed Secretary Cummings' December 15, 2000, memo relating to photo identification cards for private detectives. The memo indicated legal counsel's concern that the preparation of a certificate of licensure that has blank spaces on the back for insertion of information by licensees has the potential to mislead consumers and expose the department to liability for the information that may appear to be coming from the department.

This request has been put on indefinite hold.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

John Schatzman referred to a past discussion relating to the unlicensed practice of information brokers and a possible exemption as licensed individuals from some of the privacy laws. He suggested future discussion of this issue.

Clete Hansen will request a copy of recommendations from the Governor's Privacy Task Force relating to privacy laws.

ADJOURNMENT

MOTION: Gary Peterson moved, seconded by John Schatzman, to adjourn the meeting at 11:45 a.m. Motion carried unanimously.

Next meeting date: April 4, 2001